

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

NEW ENGLAND CENTRAL RAILROAD, INC.,)
Plaintiff)
v.)
SPRINGFIELD TERMINAL RAILWAY CO.) C. A. No. 04-30235 MAP
AND BOSTON AND MAINE CORPORATION,)
Defendant(s))

**MOTION OF SPRINGFIELD TERMINAL RAILWAY COMPANY AND
BOSTON AND MAINE CORPORATION TO COMPEL DISCOVERY**

The Defendants, Springfield Terminal Railroad Company and Boston and Maine Corporation (collectively “ST”), hereby requests that this honorable Court, in accordance with Fed. R. Civ. P. 37(d) and Local Rule 37, to enter an order compelling the Plaintiff, New England Central Railroad, Inc. (“NECR”), to serve responses to the first document requests and first set of interrogatories served by ST on or about June 30, 2006. For the reasons set forth in the accompanying “Memorandum in Support of Motion of Springfield Terminal Railway Company and Boston and Maine Corporation to Compel Discovery”, an order compelling responses is justified in response to NECR’s non-compliance with the rules. ST also requests that the expenses, including attorney’s fees, incurred in pursuing this Motion be assessed against NECR.

Defendant's counsel certifies, in accordance with Local Rule 7.1(A)(2), 37.1(B) and Fed. R. Civ. P. 37(d) that opposing counsel has been conferred with and a good faith attempt has been made to resolve or narrow the issues addressed in this Motion, but without success.

Respectfully submitted,

/s/ John P. Curtin
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Dated: September 18, 2006

*Counsel for Springfield Terminal
Railway Company and Boston and
Maine Corporation*

Certificate of Service

I hereby certify that the foregoing document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on September 18, 2006.

/s/ John P. Curtin
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